

**UNITED STATES GOVERNMENT  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 26**

**ROLLING PIN MANUFACTURING CORPORATION**

Employer<sup>1</sup>

and

Case 26-RC-8369

**UNITED FOOD AND COMMERCIAL WORKERS  
INTERNATIONAL UNION, LOCAL 2008, AFL-CIO, CLC**

Petitioner

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**REGIONAL DIRECTOR'S DECISION  
AND DIRECTION OF ELECTION**

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The Employer, Rolling Pin Manufacturing Corporation, is a California corporation with a bakery facility located in Pine Bluff, Arkansas. The Petitioner, United Food and Commercial Workers International Union, Local 2008, AFL-CIO, CLC, filed a petition with the National Labor Relations Board under Section 9(c) of the National Labor Relations Act. A hearing was held before a hearing officer of the National Labor Relations Board on May 22, 2003.

There are no factual issues to be resolved with respect to the job classifications included and excluded from the unit. The parties stipulated at the hearing that the agreed-upon unit is an appropriate unit. The parties further stipulated that particular named employees would be eligible or ineligible to vote. It was agreed that David Hierd, Tom Rogers, Alberto Buchanan, Marilyn Nealy, and Thaddeus Smith would all be eligible to vote; and that Duane Green would not be

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<sup>1</sup> The name of the Employer appears as amended at the hearing.

eligible<sup>2</sup>. There are approximately 127 employees eligible to vote. Neither party called witnesses to present record testimony at the hearing. Upon the conclusion of the hearing, the parties waived the filing of briefs.

### **CONCLUSION AND FINDINGS**

Based on the entire record in this proceeding, I conclude and find as follows:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.
2. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.
3. The labor organization involved claims to represent certain employees of the Employer.
4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.
5. The following employees of the Employer constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act:

**INCLUDED:** All full-time and regular part-time production, maintenance, sanitation, quality assurance and warehouse employees, including maintenance lead persons, sanators, senior sanators, and temporary agency employees employed by Rolling Pin Manufacturing Corporation at its Pine Bluff, Arkansas facility.

**EXCLUDED:** All other employees, including office clerical employees, professional employees, technical employees, head bakers, lead sanators, warehouse lead persons, packaging lead persons, guards and supervisors, as defined in the Act.

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<sup>2</sup> Because the record does not establish the reason for excluding this individual from the unit, if he appears at the polls to vote he will be allowed to vote a challenged ballot.

## **DIRECTION OF ELECTION**

A secret ballot election shall be conducted by the National Labor Relations Board among the employees in the unit found appropriate above. The employees will vote whether or not they desire to be represented for collective bargaining purposes by United Food and Commercial Workers International Union, Local 2008, AFL-CIO, CLC. The date, time, and place of the election will be specified in the notice of election that the Board's Regional Office will issue subsequent to this Decision.

### **A. Voting Eligibility**

Eligible to vote in the election are those in the unit who were employed during the payroll period ending immediately before the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, in an economic strike which commenced less than 12 months before the election date, employees engaged in such strike who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Unit employees in the military services of the United States Government may vote if they appear in person at the polls.

Ineligible to vote are (1) employees who have quit or been discharged for cause since the designated payroll period; (2) employees engaged in a strike who have been discharged for cause since the strike began and who have not been rehired or reinstated before the election date; and (3) employees engaged in an economic strike which began more than 12 months before the election date and who have been permanently replaced.

### **B. Employer to Submit List of Eligible Voters**

To ensure that all eligible voters have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses that may be used to communicate with them. *Excelsior Underwear*, 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Co.*, 394 U. S. 759 (1969). Accordingly, it is directed that an eligibility list containing the full names and addresses of all the eligible voters must be submitted by the Employer to the Regional Office within 7 days of the date of this Decision. *North Macon Health Care Facility*, 315 NLRB 359, 361 (1994). This list must be of sufficiently large type to be clearly legible. To speed both preliminary checking and the voting process, the names on the list should be alphabetized (overall or by department, etc.) Upon receipt of the list I will make it available to all parties to the election.

To be timely filed, the list must be received in the Regional Office, 1407 Union Avenue, Suite 800, Memphis, Tennessee 38104, on or before **June 6, 2003**. No extension of time to file the list shall be granted except in extraordinary circumstances, nor will the filing of a request for review affect the requirement to file this list. Failure to comply with this requirement shall be grounds for setting aside the election whenever proper objections are filed. The list may be submitted by facsimile transmission at (901) 544-0008. Since the list will be made available to all parties to the election, please furnish a total of **two** copies, unless the list is submitted by facsimile, in which case no copies need be submitted. If you have any questions, please contact the Regional Office.

### **C. Notice of Posting Obligations**

According to Section 103.20 of the Board's Rules and Regulations, the Employer must post the Notices of Election provide by the Board in areas conspicuous to potential voters for a minimum of 3 working days prior to the date of

the election. Failure to follow the posting requirements may result in additional litigation if proper objections are filed. Section 103.20(c) requires an employer to notify the Board at least 5 full working days prior to 12:01 AM of the day of the election if it has not received copies of the election notice. Club Demonstration Services, 317 NLRB 349 (1995). Failure to do so precludes employers from filing objections based on nonposting of the election notice.

### **RIGHT TO REQUEST REVIEW**

Under the provision of Section 102.67 of the Board's Rules and Regulations, a Request for Review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, DC 20570-0001. This request must be received by the Board in Washington by 5:00 PM, EDT on **June 13, 2003**. The request may **not** be filed by facsimile.

**DATED** at Memphis, Tennessee, this 30<sup>th</sup> day of May, 2003.

**/S/**

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Ronald K. Hooks, Regional Director  
Region 26, National Labor Relations Board  
1407 Union Avenue, Suite 800  
Memphis, TN 38104-3627

**Classification Index**  
362-6703